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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,923	09/19/2001	Christian Huitema	30835/183230	9393
45373 7590 05/21/2007 MARSHALL, GERSTEIN & BORUN LLP (MICROSOFT) 233 SOUTH WACKER DRIVE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER BLAIR, DOUGLAS B	
			ART UNIT 2142	PAPER NUMBER
			MAIL DATE 05/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/955,923

Applicant(s)

HUITEMA ET AL.

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 5 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Remarks, filed 3/9/2007, with respect to the 101 and 103 rejections have been fully considered and are persuasive. The 101 rejection of claims 11 has been withdrawn. The 103 rejection based on Simpson and Abadi of claims 1-6 and 10-11 has been withdrawn. Applicant's arguments with respect to the 102(b) rejection based on the Bird reference filed 3/9/2007 have been fully considered and are persuasive however a new rejection is presented based on Bird in view of Morikawa as follows.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-7, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,369,705 to Bird et al. in view of U.S. Patent Number 7,185,194 to Morikawa et al.

4. As to claim 1, Bird teaches a method of forming a peer-to-peer group within peer-to-peer cloud, the group having a plurality of peer nodes, the method comprising the steps of selecting at least one friendly name for the group (**col. 11, lines 29-31, the group identifier list is considered the friendly name**), calculating a category identification (CID) for the group from the at least one friendly name (**col. 11 lines 39-49, the group name is calculated by hashing**

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**the group identifier list**), and providing the CID to at least one peer node within the peer-to-peer cloud (**col. 12, lines 27-29, all group members can calculate the group name from the identifier and col. 12 lines 31-35 show sending the identifier, thus Bird teaches providing the CID to a peer**), wherein the CID allows the at least one peer node within the peer-to-peer cloud to communicate directly to the peer-to-peer group (**col. 12, lines 14-16**); however Bird does not explicitly teach “collectively” identifying the peer-to-peer group as argued by the applicant.

Morikawa teaches a method for collectively identifying a peer-to-peer group and a method of hashing the collectively identified group name (col. 9, lines 31-50).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Bird regarding communications in a peer-to-peer network with the teachings of Morikawa regarding collectively identifying a group because collectively identifying groups can accommodate a large number of users more efficiently (Morikawa, col. 5, lines 37-42).

5. As to claim 2, Bird teaches the method of claim 1, wherein the step of calculating the CID comprises the step of hashing the friendly name with a seed group (col. 11, lines 39-49, the 64 bit value is the seed group).

6. As to claim 3, Morikawa teaches a method for providing a CID to a peer by sending the CID out of band (col. 24, line 58-col. 25, line 17).

7. As to claim 4, Morikawa teaches a method for registering a CID with a peer-to-peer name resolution protocol (col. 26, lines 26-42).

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8. As to claim 6, Bird teaches the method of claim 1, further comprising the steps of receiving a connect message form the peer and returning a welcome message to the peer (col. 11, line 53-col. 12, line 16).

9. As to claim 7, Bird teaches the method of claim 6, further comprising the steps of calculating a signature of a group object database, and sending the signature to the peer (col. 12, line 24-col. 13, line 59).

10. As to claim 9, Bird teaches the method of claim 7, further comprising the steps of receiving a request for specific group objects from the peer, and transmitting the specific group objects to the peer (col. 12, line 24-col. 13, line 59).

11. As to claim 10, Morikawa teaches a method for receiving a connect message and returning a refuse message with a list of other members of the group (col. 26, lines 26-42).

12. As to claim 11, Bird teaches the method of claim 1 being executed on a computer readable medium.

***Allowable Subject Matter***

13. Claims 5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: With respect to claim 5, the prior art of record was not found to teach or make obvious the step of concatenating a peer ID with a category identification and registering the concatenated result

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for discovery. With respect to claim 8, the prior art was not found to teach or make obvious the step of calculating a signature of a group object database comprising the claimed steps.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893. The examiner can normally be reached on 9:00am-5:30pm.

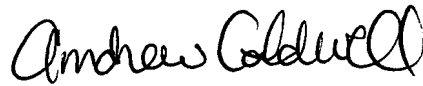
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER